

United States Bankruptcy Court  
Eastern District of Michigan  
Southern Division

In re:

Blake G. Nieswand,  
Debtor.

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Case No. 05-47909  
Chapter 7

**Opinion Regarding Motion for Abandonment of Potential Malpractice Claim to Debtor**

This matter is before the Court on Blake G. Nieswand's motion for the abandonment of the malpractice claim against Mr. Nieswand's initial counsel, Charles Milne. Charles L. Wells, III, the Chapter 7 Trustee, and Michele Nieswand, a creditor, objected to Nieswand's motion. For the reasons stated below, the motion is granted.

Nieswand filed a voluntary petition under Chapter 7 on March 15, 2005. At that time, Charles Milne was Nieswand's counsel. The debtor believes that he has one or more potential malpractice causes of action against Milne for the time that Milne was Nieswand's counsel.

The Bankruptcy Code provides, "On request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." 11 U.S.C. 554 (b) (2005).

The Court has reviewed the potential claims and evidentiary grounds for them and concludes that the claims are indeed of inconsequential value and benefit to the estate. Therefore, Mr. Nieswand's motion is granted. Nothing herein, however, is intended to have any preclusive effect in any subsequent litigation between Nieswand and Milne.

The Court will enter an appropriate order.

Not For Publication

**Signed on November 09, 2006**

**/s/ Steven Rhodes**

**Steven Rhodes  
Chief Bankruptcy Judge**